

## **Town Board Minutes**

January 20, 2015

Meeting No. 2

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 20<sup>th</sup> day of January 2015 at 7:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM , COUNCIL MEMBER  
MARK AQUINO, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
DINO FUDOLI, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
JOHN DUDZIAK, TOWN ATTORNEY  
LEONARD CAMPISANO, ASST. CODE ENFORCEMENT  
OFFICER  
GERALD GILL, CHIEF OF POLICE  
WILLIAM KARN, POLICE CAPTAIN  
MARCO LAURIENZO, POLICE CAPTAIN  
MARK LUBERA, INTERIM DIRECTOR, PARKS, RECREATION,  
FORESTRY & GROUNDS  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

### **EXECUTIVE SESSION:**

AT 7:34 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER AQUINO AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation and contractual matters.

At 8:12 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

**PERSONS ADDRESSING TOWN BOARD:**

**Chowaniec, Lee**, spoke to the Town Board on the following matter:

- Site plan conditions contained in WalMart approval; he questioned whether such conditions are enforceable.

**Fronczak, Mike**, spoke to the Town Board on the following matters:

- Would like to know the dollar amount attributed to various contractual resolutions.
- Rental space for Highway Department.
- Conditions placed on Salvage Yard Permits.
- Sidewalk snow removal.
- Filling of ditches on County roads.
- Village payment for Building Inspection services.
- Bid process for Highway Department storage building and questions regarding radiant heat.

**Maciejewski, Joseph**, spoke to the Town Board on the following matter:

- Comments made by the Supervisor regarding the Lancaster School Board, the School budget process, and the Lancaster IDA Pilot payments.

**Wehner, Mike**, spoke to the Town Board on the following matters:

- Sidewalks in the Rose Subdivision and American Disability Act of 1990.
- Dog enumeration.
- Dog redemption fees.
- Gasoline usage by the Dog Control Office.

**PUBLIC HEARING SCHEDULED FOR 7:15 P.M.:** Local Law Amendment – Dogs Licensing Fee

ON MOTION BY COUNCIL MEMBER AQUINO, SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, the public hearing was opened.

At 7:15 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Local Law Amendment – Dogs Licensing Fee matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Question
Mike Wehner	Opponent
ON MOTION BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER AQUINO AND CARRIED, the public hearing was closed at 7:23 P.M.	

Decision on this matter was reserved.  
January 20, 2015

**PRESENTATION OF PREFILED RESOLUTIONS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Regular Meeting of the Town Board  
held January 5, 2015 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

January 20, 2015

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered  
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk  
by the Assistant to the Supervisor, to wit:

Claim No. 38549 to Claim No. 38729 Inclusive

Total amount hereby authorized to be paid: \$ 1,067,029.22

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

January 20, 2015

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**  
(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.  
(CSW) = Conditional sidewalk waiver  
(V/L) = Village of Lancaster

**NEW PERMITS:**

Pmt #	SW	Applicant Name	Address	STRUCTURE	Village
23593		Robert DeGraff Sr	5274 William St	Inst. Generator	
23594		Michael Mordino	37 Bentley Cir	Er. Pool-Abv Grnd	
23595		Fairway Hills Development	3 Pear Tree Ln	Er. Dwlg.-Sin.	

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

January 20, 2015

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, On December 2, 2013, the Town of Lancaster entered into a lease agreement with Charlene and Clyde Mays, Jr. for one of their bays located at 73 Cemetery Road, Lancaster, New York for the storage of Highway equipment, and

**WHEREAS**, by letter dated December 15, 2014 the Town of Lancaster Highway Superintendent has expressed a need to renew said lease for another season, and

**WHEREAS**, the Town Attorney has prepared the Lease Renewal agreement pursuant to the same terms, conditions and monthly lease amount as the previous agreement, beginning November 1, 2014 and terminating April 30, 2015 and requiring a 30 day notification by either party prior to the Lease expiring, and

**WHEREAS**, the Town Board of the Town of Lancaster has determined that it is in the best interest of the Town to enter into the Lease Renewal Agreement with Charlene and Clyde Mays, Jr. to provide a bay for the storage of Highway equipment.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Supervisor be and is hereby authorized and directed to execute a lease renewal agreement with Charlene and Clyde Mays, Jr., leasing Bay # 8 at 73 Cemetery Road in the Town of Lancaster for use as a storage facility for the Town of Lancaster Highway Department’s equipment for a term commencing November 1, 2014 and terminating April 30, 2015, subject to the terms and conditions contained therein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

January 20, 2015

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**WHEREAS**, Edward Haniszewski, d/b/a Ed Henning Inc., 911 Ransom Road, Lancaster, New York 14086 has applied for a renewal license to conduct a salvage yard on premises situate at 911 Ransom Road within the Town of Lancaster, pursuant to Chapter 4-3 of the Code of the Town of Lancaster, and

**WHEREAS**, the application was referred to the Town Board for review, and

**WHEREAS**, the Building Inspector, by letter dated November 17, 2014 has notified the Town Board that he has completed his review and made a favorable recommendation thereto.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Edward Haniszewski, d/b/a Ed Henning, Inc., 911 Ransom Road, Lancaster, New York be and is hereby authorized to conduct a salvage yard on premises situate at 911 Ransom Road, Lancaster, New York for the period January 1, 2015 to December 31, 2015 in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

January 20, 2015

File: rsalvage yard license (P4)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Town Line Volunteer Fire Department, Inc., by letter dated January 5, 2015, has requested the addition of two (2) members to the roster of said fire association.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirm the additions to the membership of the Town Line Volunteer Fire Department the following individuals:

**ADDITIONS:**

Steven Chase	Brandon Wright
Depew, New York	Lancaster, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

January 20, 2015



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS,** Grantmakers Advantage, Inc., a grant writing/consultant firm, has furnished a Proposal to the Town of Lancaster, which Proposal sets forth the grant writing and consulting services to be provided, and

**WHEREAS,** the Town Board has reviewed the beforementioned Proposal and deems it to be in the public’s interest to retain said firm to provide grant writing/consultant services for the years 2015 and 2016 in accordance with the Proposal dated December 12, 2014.

**NOW, THEREFORE, BE IT  
RESOLVED,** that the Town Board of the Town of Lancaster hereby authorizes the Town Supervisor to execute the agreement with Grantmakers Advantage, Inc., with offices located at 7 Marina Park South, Buffalo, New York 14202 for the purpose of providing grant writing/consultant services to the Town of Lancaster for the years 2015 and 2016 in accordance with the Proposal dated December 12, 2014.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

January 20, 2015

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, Mark Lubera, Interim General Crew Chief of the Parks, Recreation and Forestry Department, by letter dated December 31, 2014, has requested an adjustment to the rate of pay for Jonathan Berent and Stephen Klein, Recreation Attendants part-time permanent, due to the increase in the New York State minimum wage.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the rate of pay for Jonathan Berent and Stephen Klein be adjusted to \$9.00 per hour, retroactive to January 1, 2015, and

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

January 20, 2015

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, John Trojanowsky, Executive Director of the Town of Lancaster Youth Bureau, by letter dated December 30, 2014, has requested an adjustment to the rate of pay for Mary Darmstedter and Judy Trusiak, Clerks part-time permanent, due to the increase in the New York State minimum wage.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the rate of pay for Mary Darmstedter and Judy Trusiak be adjusted to \$8.75 per hour, retroactive to January 1, 2015, and

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

January 20, 2015

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Town of Lancaster and the Village of Lancaster have  
a united interest in assuring the safety of school aged children, and

**WHEREAS**, the intersection of Walden Avenue and Central Avenue,  
which lies within the boundaries of both the Town and Village of Lancaster, is often crossed  
by school aged children particularly those attending high school, and

**WHEREAS**, the Village of Lancaster has agreed to hire a crossing  
guard at said intersection and is requesting the expenses related to wages and FICA expenses  
be equally divided between the Town and Village, and

**WHEREAS**, Section 119-O of the General Municipal Law of the State  
of New York authorizes cooperative Intermunicipal Agreements, and

**WHEREAS**, after due review and consideration the Town Board of the  
Town of Lancaster has deemed it in the public’s interest to enter into an Intermunicipal  
Agreement with the Village of Lancaster to share the cost of a crossing guard at said  
intersection, and

**WHEREAS**, this Agreement shall remain in effect unless a ninety (90)  
day written notification by either municipality is submitted to the Clerk of the other  
municipality;

**NOW, THEREFORE, BE IT  
RESOLVED as follows:** That the Supervisor of the Town of  
Lancaster is hereby authorized to enter into an Intermunicipal Agreement with the Village of  
Lancaster for the purpose of providing a crossing guard at the intersection of Walden Avenue  
and Central Avenue with the Town and Village equally dividing the expenses related to  
wages and FICA expenses for said crossing guard based on the wages and hours provided on  
Attachment A of the agreement.

The question of the adoption of the foregoing resolution was duly put  
to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

January 20, 2015

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster (“Town Board”) has considered and evaluated a proposed Local Law which amends the Town of Lancaster Code, Chapter 25. Garbage, Rubbish and Refuse, Article III. Refuse Recycling, Section 11. Definitions; and

**WHEREAS**, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has determined the action is a Type II action under SEQR, and

**WHEREAS**, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on January 5, 2015, where all interested parties were allowed to address the proposed Local Law;

**NOW, THEREFORE,**  
**BE IT RESOLVED** by the Town Board of the Town of Lancaster that:

- 1. The attached Local Law No. 1 of 2015 is hereby adopted.
- 2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

January 20, 2015

**LEGAL NOTICE-  
NOTICE OF ADOPTION  
LOCAL LAW NO. 1 OF THE YEAR 2015  
TOWN OF LANCASTER**

**PLEASE TAKE NOTICE** that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on January 20, 2015 Local Law No. 1 of the Year 2015, which amends the Town of Lancaster Code, Chapter 25. Garbage, Rubbish and Refuse, Article III. Refuse Recycling, Section 11. Definitions, which is on file for review in the Town Hall.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN  
Town Clerk**

January 22, 2015

**Town of Lancaster  
Local Law No. 1 of 2015**

**A Local Law Amending the Town of Lancaster Garbage, Rubbish and Refuse Code Article III. “Refuse Recycling”, Section 11 Definitions. by adding “Electronic Waste” and “Large Appliances”, revising “Hazardous Waste”, and deleting from Recyclable Materials, subsection A item “(9) Large Appliances”.**

**Be it hereby enacted by the Town Board of the Town of Lancaster as follows:**

**Section 1: Section 25-11. Definitions.** of the Town of Lancaster Town Code is amended as follows:

**ADD: ELECTRONIC WASTE**

Includes items such as Computers, Televisions, Cathode Ray Tubes, Small Scale Servers, Computer Peripherals (monitors, electronic keyboards, electronic mice or pointing devices, facsimile machines, document scanners and printers) and Small Electronic Equipment (VCRs, digital video recorders, portable digital music players, DVD players & projectors, digital converter boxes, cable or satellite receivers and electronic or video game consoles (both handheld and for use with a video display device).

**LARGE APPLIANCES**

All major appliances such as stoves, refrigerators, dishwashers, dryers, washing machines, water heaters, portable air conditioners, microwave ovens and other large and scrap metal items.

**DELETE: HAZARDOUS WASTE**

Solid waste that is especially harmful or potentially harmful to public health. This shall include, but not be limited to, explosives, toxic materials and medical waste. For purposes of this local law, “hazardous waste” does not include small quantities of such waste available on a retail basis to a homeowner (e.g., aerosol cans, pesticides, fertilizers, etc.).

**ADD: HAZARDOUS WASTE**

Solid waste that is especially harmful or potentially harmful to public health. A substance is considered hazardous if it ignites easily, reacts or explodes when mixed with other substances, is corrosive or toxic. This shall include, but not be limited to explosives, toxic materials, medical waste, pesticides, fertilizers, oil, antifreeze, oil based paint, solvents, rechargeable batteries, propane tanks or cylinders (full or empty) and Mercury or any Mercury containing devices.

**RECYCLABLE MATERIALS**

A. ....

**DELETE: (9) LARGE APPLIANCES**

**RECODIFY: (10) GARDEN AND YARD WASTE to  
(9) GARDEN AND YARD WASTE.**

**Section 2: Severability.** Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**Section 3: Effective Date.** This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster (“Town Board”) has considered and evaluated a proposed Local Law which will amend the town code of the Town of Lancaster by adding section 25-12(H) and (J) to chapter 25 “Garbage, Rubbish and Refuse”, Article III. “Refuse Recycling”, section 12 “Duties of Owners and Occupants”; and

**WHEREAS**, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has determined the action is a Type II action under SEQR, and

**WHEREAS**, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on January 5, 2015, where all interested parties were allowed to address the proposed Local Law;

**NOW, THEREFORE,**  
**BE IT RESOLVED** by the Town Board of the Town of Lancaster that:

- 1. The attached Local Law No. 2 of 2015 is hereby adopted.
- 2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

January 20, 2015



**LEGAL NOTICE-  
NOTICE OF ADOPTION  
LOCAL LAW NO. 2 OF THE YEAR 2015  
TOWN OF LANCASTER**

**PLEASE TAKE NOTICE** that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on January 20, 2015 Local Law No. 2 of the Year 2015, to amend the Town of Lancaster Garbage, Rubbish and Refuse Code to indicate a permitted time for putting Municipal Solid Waste and recyclables out for collection and specifying the type of waste container allowed within the Town

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN  
Town Clerk**

January 22, 2015

**Town of Lancaster  
Local Law No. 2 of 2015**

**A Local Law Amending the Town of Lancaster Garbage, Rubbish and Refuse Code  
Article III. “Refuse Recycling”, Section 12 to Indicate a Permitted Time to put  
Municipal Solid Waste and Recyclables Out for Collection and Type of Waste  
Container Allowed.**

**Be it hereby enacted by the Town Board of the Town of Lancaster as follows:**

**Section 1:** Section 25-12 of the Town of Lancaster Town Code is amended to add subparagraph (H) and (J) to read in their entirety as follows:

- (H)** Every owner/occupant of any residential, commercial and /or institutional property located within the Town’s Refuse District shall put out for collection Municipal Solid Waste (MSW) and recyclable materials no earlier than 5:00 P.M. on the day prior to collection.
- (J)** Every owner and/or occupant of any residential property located within the Town’s Refuse District shall be responsible for storing all MSW in a leak-proof container with a close-fitting cover at all times until removed from the premises at disposal. Such container, including contents, shall not exceed sixty (60) pounds in weight.

**Section 2:** Severability. Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**Section 3:** Effective Date. This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster (“Town Board”) has considered and evaluated a proposed Local Law which will amend the town code of the Town of Lancaster by amending Section 25-15(B) and adding Section 25-15(E) within Chapter 25 “Garbage, Rubbish And Refuse” Article III. “Refuse Recycling”, Section 15 “Prohibited Acts; Penalties For Offenses.” and

**WHEREAS**, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has determined the action is a Type II action under SEQR, and

**WHEREAS**, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on January 5, 2015, where all interested parties were allowed to address the proposed Local Law;

**NOW, THEREFORE,**  
**BE IT RESOLVED** by the Town Board of the Town of Lancaster that:

- 1. The attached Local Law No. 3 of 2015 is hereby adopted.
- 2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

January 20, 2015

**LEGAL NOTICE-  
NOTICE OF ADOPTION  
LOCAL LAW NO. 3 OF THE YEAR 2015  
TOWN OF LANCASTER**

**PLEASE TAKE NOTICE** that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on January 20, 2015 Local Law No. 3 of the Year 2015, to amend Section 15 “Prohibited acts; penalties for offenses”, by editing subsection (B) and listing Electronic and Hazardous Waste as items prohibited from being set out for collection and/or recycling.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN  
Town Clerk**

January 22, 2015

**Town of Lancaster  
Local Law No. 3 of 2015**

**A Local Law Amending the Town Code of the Town of Lancaster by Amending Section 25-15(B) And Adding Section 25-15(E) To Chapter 25 “Garbage, Rubbish And Refuse”, Article III. “Refuse Recycling”, Section 15 “Prohibited Acts; Penalties For Offenses.”**

**Be it hereby enacted by the Town Board of the Town of Lancaster as follows:**

**Section 1:** Section 25-15 of the Town of Lancaster Town Code is amended by amending Section 25-15(B) and adding Section 25-15(E) read in their entirety as follows:

**B. Any owner and/or occupant to fail to comply with any provision contained in §25-12, inclusive.**

**E. The following items are prohibited from being put out for collection as Municipal Solid Waste (MSW) and/or recyclable materials:**

**(3) Electronic Waste**

**(4) Hazardous Waste**

**Section 2:** Severability. Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**Section 3:** Effective Date. This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, Mark Lubera, the Interim General Crew Chief of the Department of Parks, Recreation and Forestry of the Town of Lancaster by letter dated January 7, 2015 has requested the purchase of **one (1) new Scag Cheetah Zero Turn Lawnmower** and **one (1) New Holland Rustler 115 Utility Vehicle** for use in the Parks, Recreation and Forestry Department, and

**WHEREAS**, the lawnmower and utility vehicle are available from New York State Bid Contracts which eliminates the need for competitive bidding pursuant to §103 of General Municipal Law, and

**WHEREAS**, the Town Board deems it in the public interest to approve the purchase of one (1) new Scag Cheetah Zero Turn Lawnmower and one (1) New Holland Rustler 115 Utility Vehicle;

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

The Town Board of the Town of Lancaster hereby approves the purchase of one (1) new Scag Cheetah Zero Turn Lawnmower for a cost of \$9,857.27 from the 2015 authorized New York State Bid Contractor STS, 6495 Transit Road, Bowmansville, New York 14026 under State Bid Award #21459 Group #37000, and one (1) New Holland Rustler 115 Utility Vehicle for a cost of \$10,107.00 from Niagara Frontier Equipment Sales, Inc., 4060 Lake Avenue, Lockport, New York 14094 under State Bid Contract #031711 Award #PC66592 as proposed by the Interim General Crew Chief of the Parks, Recreation and Forestry Department of the Town of Lancaster, items will be paid for with funds available from the 2015 Department of Parks Recreation & Forestry budget line item 018510.0225.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

January 20, 2015

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning Section 17 (F) of the Code of the Town of Lancaster, upon the application of **Charles A Giambrone**, for a Special Use Permit for **QUAD 4 WHEEL DRIVE, Inc.**, to provide automotive repair services on premises located at 505 Erie Street, Building A, in the Town of Lancaster, New York, and the Board issued such Special Use Permit on April 4, 2011, this Special Use Permit is subject to renewal upon application by the property owner, and

**WHEREAS**, **Charles A Giambrone** has requested that the Town Board renew the Special Use Permit for an additional two (2) year period, and

**WHEREAS**, the Code Enforcement Officer has recommended his approval of this Special Use Permit in his letter dated January 15, 2015;

**NOW THEREFORE, BE IT  
RESOLVED, as follows:**

1. That pursuant to Chapter 50-Zoning, Section 20 (B) (1), entitled "Commercial and Motor Service District (CMS)", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Charles A Giambrone**, owner of **QUAD 4 WHEEL DRIVE, Inc.**, to provide an automotive repair business on premises located at 505 Erie Street, Building A in the Town of Lancaster, upon the terms and conditions as set forth in the Zoning Ordinance for the period beginning April 4, 2013 and ending April 3, 2015, and

2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Section F, of the Code of the Town of Lancaster as long as the applicant continues to engage in an automotive repair business on the premises, namely

- A. Bay doors on east side of building cannot be open more than seven (7) feet except when brining vehicles in or out of the business.
- B. Security cameras will be positioned away from the backyard of the residence to the east of the business.
- C. Business must operate within all confines of the Town of Lancaster's noise ordinance.
- D. Permit must be renewed every two (2) years at no additional cost to the applicant.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

January 20, 2015

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning Section 17 (F) of the Code of the Town of Lancaster, upon the application of **Robert S. Sugg, Jr.**, for a Special Use Permit for **B & S ENTERPRISES**, to provide automotive repair services on premises located at 505 Erie Street, Building A, in the Town of Lancaster, New York, and the Board issued such Special Use Permit on April 4, 2011, this Special Use Permit is subject to renewal upon application by the property owner, and

**WHEREAS**, **Robert S. Sugg, Jr.**, has requested that the Town Board renew the Special Use Permit for an additional two (2) year period, and

**WHEREAS**, the Code Enforcement Officer has recommended his approval of this Special Use Permit in his letter dated January 15, 2015;

**NOW THEREFORE, BE IT  
RESOLVED, as follows:**

1. That pursuant to Chapter 50-Zoning, Section 20 (B) (1), entitled "Commercial and Motor Service District (CMS)", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Robert S. Sugg, Jr.**, owner of **B & S ENTERPRISES**, to provide an automotive repair business on premises located at 505 Erie Street, Building A in the Town of Lancaster, upon the terms and conditions as set forth in the Zoning Ordinance for the period beginning April 4, 2013 and ending April 3, 2015, and

2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Section F, of the Code of the Town of Lancaster as long as the applicant continues to engage in an automotive repair business on the premises, namely

- A. Bay doors on east side of building cannot be open more than seven (7) feet except when brining vehicles in or out of the business.
- B. Security cameras will be positioned away from the backyard of the residence to the east of the business.
- C. Business must operate within all confines of the Town of Lancaster’s noise ordinance.
- D. Permit must be renewed every two (2) years at no additional cost to the applicant.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

January 20, 2015



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS,** a vacancy exists in the Town of Lancaster Police Department in the position of Police Lieutenant due to the retirement of Lieutenant John Robinson, III, and

**WHEREAS,** the Chief of Police of the Town of Lancaster, by letter dated January 14, 2015, has recommended the appointment of Police Officer Jonathan Ziders to the position of Police Lieutenant, and

**WHEREAS,** the current competitive civil service list for the position of Police Lieutenant has been duly canvassed by the Chief of Police, and Jonathan Ziders qualifies for appointment to this position pursuant to the standards and procedures as set forth in the Civil Service Law.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Board of the Town of Lancaster hereby appoints Jonathan Ziders to the position of Police Lieutenant for the Town of Lancaster effective January 19, 2015; and that such appointment shall be subject to all applicable provisions of the collective negotiations agreement between the Town of Lancaster and the Cayuga Club Police Benevolent Association and all applicable provisions of law, and

**BE IT FURTHER,**

**RESOLVED,** that the Supervisor of the Town of Lancaster take all necessary actions, including with the Personnel Officer of the County of Erie, to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

January 20, 2015

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Chief of Police of the Town of Lancaster, by letter dated January 14, 2015, has recommended the appointment of Brett M. Carcaci to the position of Police Officer to fill an existing funded vacancy, and

**WHEREAS**, Brett M. Carcaci is eligible for appointment as a result of his placement on the applicable Erie County Department of Personnel Eligible List;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Brett M. Carcaci be and is hereby appointed to the position of Police Officer in the Town of Lancaster Police Department effective January 19, 2015; and that such appointment shall be subject to all applicable provisions of the collective negotiations agreement between the Town of Lancaster and the Cayuga Club Police Benevolent Association and all applicable provisions of law, and

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	NO

January 20, 2015

## **COMMUNICATIONS & REPORTS**

- 34. Michael Weiner, United Way President to Supervisor –  
Information regarding support of 211WNY. Disposition = Received & Filed**
- 35. Town Justice Jeremy Colby to Town Clerk –  
Notice of appointment of Clara Davis to the full-time position of Clerk to Town Justice effective January 1, 2015. Disposition = Received & Filed**
- 36. Town Attorney to Town Board and Planning Board –  
SEQR response from NYSDOT regarding rezone for 76 Townhouses – The Fairways, 5354 & 0 Genesee Street. Disposition = Planning Committee**
- 37. U.S. Small Business Association to Supervisor –  
Information regarding SBA Opens Disaster Loan Outreach Centers in Erie and Wyoming Counties, NY. Disposition – Received & Filed**
- 38. Gerald Geist, Association of Towns of the State of New York to Town Clerk –  
Information regarding 2015 Training School and Annual Meeting of Association of Towns. Disposition = Received & Filed**
- 39. Supervising Code Enforcement Officer to Town Clerk –  
Request for resolution authorizing issuance of 2015 License to Operate a Salvage Yard to Ed Henning Inc. Disposition = Resolution 1/20/15**
- 40. Town Clerk to Town Board –  
Copy of Clerk's Monthly Report for December 2014.  
Disposition = Received & Filed**
- 41. Town Line Volunteer Fire Dept., Inc. to Town Clerk –  
Request for change in roster. Disposition = Resolution 1/20/15**
- 42. Interim General Crew Chief to Supervisor and Town Board –  
Request for resolution to adjust rate of pay for Jonathan Berent and Stephen Klein of the Wrestling Program retroactive to January 5, 2015.  
Disposition = Resolution 1/20/15**
- 43. Executive Director of the Youth Bureau to Supervisor –  
Need to adjust the rate of pay for Mary Darmstedter and Judy Trusiak to comply with the new minimum wage standard effective January 1, 2015.  
Disposition = Resolution 1/20/15**
- 44. Town Clerk to Various News Media –  
Notice of meetings of official bodies of the Town of Lancaster.  
Disposition = Received & Filed**
- 45. Town Clerk to Various News Media –  
Notice of rescheduled meeting of the Lancaster Town Board from Monday, January 19, 2015 to Tuesday, January 20, 2015 due to observance of Martin Luther King, Jr. Day. Disposition = Received & Filed**
- 46. Highway Superintendent to Town Board –  
Request for resolution to post no parking signs on the south side of Windsor Ridge from #2 Windsor Ridge to Lake Avenue. Disposition = For Resolution**
- 47. Highway Superintendent to Town Board –  
Request for bond in the amount of \$1,100,000.00 for equipment to be purchased in the Spring. Disposition = Received & Filed**
- 48. Rev. Paul Steller, Pastor, St. Mary of the Assumption to Supervisor –  
Request the use of the Westwood Park Indoor Pavilion for Easter Sunrise Mass.  
Disposition = Received & Filed**
- 49. NYS Dept. of Public Service to Supervisor –  
Information regarding Reforming the Energy Vision.  
Disposition = Received & Filed**

50. Erie County Legislature to Supervisor –  
Copy of resolution finding that Lancaster Alden Agricultural District 16 should be continued with the requested modifications as recommended by the Erie County Agricultural and Farmland Protection Board. Disposition = Planning Committee
51. Fred and Sandra Becker to Planning Board Chairman –  
Comments regarding proposed patio home development on Broadway adjacent to Parkhaven, and concerns with a proposed emergency gate between the two patio home developments. Disposition = Planning Committee
52. Town Clerk to Town Board –  
Copy of Special Use Permit Application for Thomas & Patricia Manko, 4885 Transit Road, Disposition = For Resolution
53. Town Clerk to Town Board –  
Town Clerk's Annual Report for 2014. Disposition = Received & Filed
54. Town Clerk to Glenn Zientara, Modern Disposal Services, Inc. –  
Solid Waste Collection License for 2015. Disposition = Received & Filed
55. Town Clerk to Thomas Comfort, Waste Management of New York, LLC –  
Solid Waste Collection License for 2015. Disposition = Received & Filed
56. Planning Board Chair to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent and Building & Zoning Inspector –  
Draft minutes from January 7, 2015 Planning Board meeting.  
Disposition = Planning Committee
57. Planning Board to Town Board –  
Memo tabling rezone petition for 00 Broadway (116.00-1-13.11 & 116.00-1-18.21) to next Planning Board meeting on January 21, 2015; conditions noted.  
Disposition = Planning Committee
58. Supervisor to Town Attorney –  
Request for resolution authorizing vehicle purchase for Building Department.  
Disposition = For Resolution
59. Police Chief to Town Board –  
Request for approval of appointment of Jonathan Ziders to fill existing Lieutenant vacancy. Disposition = Resolution 1/20/15
60. Police Chief to Town Board –  
Request for approval of appointment of Brett Carcaci to fill existing patrol officer vacancy. Disposition = Resolution 1/20/15
61. Town Attorney to Supervisor, Town Board, Planning Board, Building Inspector, Town Engineer and Town Clerk –  
Notice of SEQR meeting regarding Salvatore's Hotel, 6461 Transit Road (Proj. #1408) on January 20, 2015 at 6:15PM. Disposition = Received & Filed
62. Town Clerk to Various News Media –  
Notice of Municipal Review Committee meeting for a SEQRA Review regarding Salvatore's Hotel, 6461 Transit Rd. on January 20, 2015 at 6:15PM.  
Disposition = Received & Filed
63. Erie County Legislature to Receiver of Taxes and Assessments –  
Warrant to collect Erie County and Town of Lancaster Taxes.  
Disposition = Received & Filed
64. Police Chief to Town Clerk –  
Articles and communications. Disposition = Received & Filed

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER ABRAHAM AND SECONDED  
BY COUNCIL MEMBER AQUINO AND CARRIED,** the meeting was adjourned  
in memory of Sheila Gibbs at 9:09 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk